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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,645	01/10/2000	Timothy A. Lavery	IMGXP01	4567

22434 7590 12/03/2003

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EXAMINER

WALLERSON, MARK E

ART UNIT PAPER NUMBER

2626

DATE MAILED: 12/03/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/480,645

Applicant(s)
Lavery et al

Examiner
Mark Wallerson

Art Unit
2626



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4-7 6) ☐ Other:

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-19 are pending.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statements dated 2/26/01, 12/3/02, 2/7/02, and 4/17/03 have been considered by the Examiner and is attached to this Office Action.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

In line 5 of claim 1, insert --the-- before “retrieves”

In line 5 of claim 1, insert --and-- before “uses”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 3, 4, 12, 15, 16, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Stumbo et al (Stumbo) (U. S. 6,084,688).

With respect to claims 1, 2, 3, 4, 12, 16, and 17 Stumbo discloses a storage medium (16), whereby source and destination addresses are specified (figure 1); an unprocessed image file stored at the source address (column 4, lines 12-30); at least a first conversion routine that retrieves the unprocessed image file and uses it to produce a vector-based medium file (a PDF file) (column 4, lines 44-61), which is placed in the storage medium (34); and a second conversion routine that retrieves the vector-based file and uses it to produce a consistently structured file (a Postscript file) (column 4, line 66 to column 5, line 14), which is placed on the storage medium.

With respect to claim 15, Stumbo discloses the storage medium includes a file server column 3, lines 58-65).

With regard to claim 19, Stumbo discloses a Level 1 ASCII Postscript file (column 7, lines 36-52).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 7, 8, 9, 11, 13, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stumbo in view of Vogt et al (Vogt) (U. S. 6,611,349).

With respect to claims 5 and 6, Stumbo differs from claims 5 and 6 in that he does not clearly disclose that the first conversion routine includes a Postscript interpreter which includes a Distiller. Vogt discloses a method of generating a printing plate by utilizing an interpreter comprising a distiller to convert a Postscript file to PDF (column 13, lines 18-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Stumbo wherein the first conversion routine includes a Postscript interpreter which includes a Distiller. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Stumbo by the teaching of Vogt in order to improve the conversion process.

With respect to claims 7 and 8, Stumbo discloses the vector based file is a PDF file (column 4, lines 44-61).

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With regard to claim 9, Stumbo discloses a Level 1 ASCII Postscript file (column 7, lines 36-52).

With regard to claim 11, 13, and 14, Vogt discloses color settings and the file attribute being validated includes fonts (column 9, lines 21-36 and column 20, lines 13-22).

With regard to claim 18, Stumbo differs from claim 18 in that he does not clearly disclose a prepress operation. Vogt discloses a prepress operation (column 5, lines 51-67 and column 1, lines 26-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Stumbo to include a prepress operation. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Stumbo by the teaching of Vogt in order to increase printing options.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

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or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an
interview; please label such communications "PROPOSED" or "DRAFT")

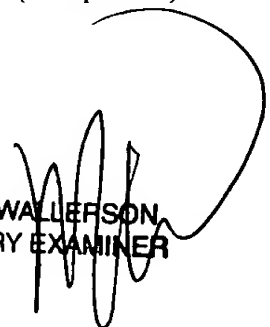
or hand-carried to:

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2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)


MARK WALLERSON
PRIMARY EXAMINER

MARK WALLERSON